AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1-10. (canceled)

11. (currently amended) An information recording apparatus comprising:

a recording device for recording information onto an information recording medium;

a detrack detecting device for detecting occurrence of detrack during the recording of the information;

a controlling device for controlling said recording device to return to a location where the detrack has occurred and restart the recording if the occurrence of the detrack is detected;

a first judging device for judging whether or not the information is already recorded in the area of the detrack destination into which said recording device incorrectly records, in the case in which the occurrence of the detrack is detected by said detrack detecting device;

a ~~first~~ second judging device for judging whether or not the information already recorded in ~~an~~ the area of ~~a~~ the detrack destination can be reproduced, in the case in which ~~the occurrence of the detrack is detected and~~ it is judged by said first judging device that the information is already recorded ~~in the area of the detrack destination into which said recording device incorrectly records~~; and

a ~~second~~ <u>third</u> judging device for judging whether or not error correction can be performed with respect to the area of the detrack destination, in the case in which ~~the occurrence of the detrack is detected and~~ <u>it is judged by said first judging device that</u> the information is unrecorded ~~in the area of the detrack destination into which said recording device incorrectly records~~.

12. (previously presented) The information recording apparatus according to claim 11, wherein

said information recording apparatus further comprises a buffer of a predetermined size for buffering the information and supplying it to said recording device, and

said controlling device controls said buffer and said recording device to restart the recording from a location where the recording is to be restarted with using the information stored in said buffer.

13. (previously presented) The information recording apparatus according to claim 12, wherein the predetermined size is equal to or greater than an error-correctable minimum unit.

14. (previously presented) The information recording apparatus according to claim 11, wherein

said controlling device controls said recording device to return to the location where the detrack has occurred and restart the recording in such a condition that it is judged that the information can be reproduced or that the error correction can be performed.

15. (previously presented) The information recording apparatus according to claim 11, wherein said controlling device

controls said recording device to register the area of the detrack destination, as an unallocated area, and to return to the location where the detrack has occurred and to restart the recording if it is judged that the information cannot be reproduced or that the error correction cannot be performed.

16. (previously presented) The information recording apparatus according to claim 11, wherein said controlling device controls said recording device to further register the area of the detrack destination incorrectly recorded, as a caution area if it is judged that the information can be reproduced or that the error correction can be performed.

17. (previously presented) The information recording apparatus according to claim 11, wherein said controlling device controls said recording device to register the caution area as an unallocated area if the area of the detrack destination is the caution area.

18. (currently amended) The information recording apparatus according to claim 11, wherein said controlling device controls said recording device to register an area in another layer corresponding to the area of a detrack destination in one layer incorrectly recorded, as an unallocated area, when the information recording medium is an information recording medium having [[a]] multiple recording layers.

19. (currently amended) An information recording method comprising:

a recording process of recording information onto an information recording medium;

a detrack detecting process of detecting occurrence of detrack during the recording of the information;

a controlling process of controlling said recording device to return to a location where the detrack has occurred and restart the recording if the occurrence of the detrack is detected;

a first judging process of judging whether or not the information is already recorded in the area of the detrack destination into which said recording device incorrectly records, in the case in which the occurrence of the detrack is detected by said detrack detecting process;

a ~~first~~ second judging process of judging whether or not the information already recorded in ~~an~~ the area of ~~a~~ the detrack destination can be reproduced, in the case in which ~~the occurrence of the detrack is detected and~~ it is judged by said first judging process that the information is already recorded ~~in the area of the detrack destination into which said recording device incorrectly records~~; and

a ~~second~~ third judging process of judging whether or not error correction can be performed with respect to the area of the detrack destination, in the case in which ~~the occurrence of the detrack is detected and~~ it is judged by said first judging process that the information is unrecorded ~~in the area of the detrack destination into which said recording device incorrectly records~~.

20. (currently amended) A ~~computer program product in a~~ computer-readable medium recording thereon a computer program for record control and for tangibly embodying a program of

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instructions executable by a computer provided for the information recording apparatus, said computer program product making the computer function as at least one portion of a recording device, a detrack detecting device, a controlling device, a first judging device and a second judging device,

said information recording apparatus comprising:

said recording device for recording information onto an information recording medium;

said detrack detecting device for detecting occurrence of detrack during the recording of the information;

said controlling device for controlling said recording device to return to a location where the detrack has occurred and restart the recording if the occurrence of the detrack is detected;

a first judging device for judging whether or not the information is already recorded in the area of the detrack destination into which said recording device incorrectly records, in the case in which the occurrence of the detrack is detected by said detrack detecting device;

a ~~first~~ second judging device for judging whether or not the information already recorded in ~~an~~ the area of ~~a~~ the detrack destination can be reproduced, in the case in which ~~the occurrence of the detrack is detected and~~ it is judged by said first judging device that the information is already recorded ~~in the area of the detrack destination into which said recording device incorrectly records~~; and

a ~~second~~ third judging device for judging whether or not error correction can be performed with respect to the area of

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the detrack destination, in the case in which ~~the occurrence of the detrack is detected and~~ <u>it is judged by said first judging device that</u> the information is unrecorded ~~in the area of the detrack destination into which said recording device incorrectly records~~.